

**IN UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

IN RE: BEXTRA AND CELEBREX
MARKETING AND SALES PRACTICES
AND PRODUCT LIABILITY LITIGATION

MDL Docket No. 1699

Judge Charles R. Breyer

This document relates to:

Edward Klette,

Plaintiff,

v.

PFIZER, INC. et. al.,

Defendants.

**STIPULATION AND ORDER
OF DISMISSAL WITHOUT
PREJUDICE ONLY AS TO
CASE NO. 3:05-cv-04781**

IT IS HEREBY STIPULATED AND AGREED by and between counsels for the Plaintiffs and counsel for the Defendants that the Complaint of Plaintiff Edward Klette, case number 3:05-CV-04781, is hereby dismissed without prejudice.

1. Plaintiff is Edward Klette; Defendants are Pfizer, Inc., Pharmacia Corporation, Monsanto Company, and G.D. Searle L.L.C.;
2. On April 5, 2005, Plaintiff mistakenly filed a Celebrex lawsuit, case number 3:05-CV-04781, and a Bextra lawsuit, case number 3:05-CV-04782, Complaint against Defendants.
3. Plaintiff moves to dismiss his claims against defendants on the Celebrex lawsuit case number 3:05-CV-04781.

4. This case is not a class action;
5. A receiver has not been appointed to this action;
6. Plaintiff has not dismissed an action based on or including the same claims as those present in this suit.
7. Should Plaintiff or a representative of Plaintiff attempt to re-file his claims against Defendants, they shall do so only by filing said claims in federal court.

Respectfully submitted:

Dated: 2/9/07

By: Navan Ward Jr.

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Dated: 2/9/07

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Defendant's Liaison Counsel

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: Feb. 14, 2007

Hon. Charles R. Breyer
United States District Court

